

### **Remarks**

The above Amendments and these Remarks are in reply to the Office Action mailed June 22, 2006. Claims 1 - 11 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1 - 11. The present Reply amends claims 1, 3, 8 and 9, and adds new claims 12 - 22, leaving for the Examiner's present consideration claims 1 - 22. Reconsideration of the rejections is requested.

### **Objections**

In item 2 on page 2, the disclosure was objected to due to certain informalities in the Specification at paragraphs [0014] and [0015]. Applicant herewith includes an amendment to paragraphs [0014] and [0015] to obviate the objection.

### **Rejections under 35 U.S.C. §112**

In item 4 on page 3, claims 1, 8 and 9 were rejected under 35 U.S.C. §112 as containing a trademark or trade name used in a claim as a limitation to identify or describe a material or product. Applicant herewith includes an amendment to these claims to obviate the rejection.

### **Double Patenting**

In item 6 on page 4, claims 1 - 11 were provisionally rejected on the ground of nonstatutory double patenting over claims 1 - 11 of copending Application No. 10/706,516. A proper Terminal Disclaimer is timely filed concurrently herewith in an Appendix A. Additionally, copies of Recordation of Assignments for the present application 10/712,384 and commonly owned copending Application No. 10/706,516 are provided herewith in an Appendix B. Therefore, Applicant

respectfully submits that the nonstatutory double patenting rejection of Claims 1 – 11 has been overcome.

### Rejections under 35 U.S.C. §102

In item 8 on page 5, claims 1 – 9 were rejected under 35 U.S.C. §102(b) as being anticipated by Stapp et al. (Application No. 09/866,131). Applicant respectfully traverses.

As amended, claim 1 now recites:

1. (Currently Amended): A method for automatically generating program code, comprising:  
determining whether a resource is available; and  
generating program code when the resource is determined to be available, wherein generating program code  
includes:

- creating a class file container object;
- adding a method to the class file object;
- adding code to the method;
- generating Java byte code for the class file container object; and
- generate an instance of the new class file object.

Amended claim 1 distinguishes over conventional approaches such as Stapp at least by enabling code to be generated when a resource is available, which is now clearly recited by claim 1.

Antecedent basis may be found at para. [0014] of the Specification:

[0014] In one embodiment, the Java based automatic program code generator may be used to generate code for any type of Java program. The invention is especially useful when used to build efficient adapters and proxies. Applications of the Java automatic code generator include but are not limited to remote method invocation (RMI) skeletons, RMI stubs, wrappers for JDBC connections, and proxies used to enforce call-by-value semantics between EJBs, the latter of which are applied to copying parameters. Typically, the code implementing a proxy or adaptor is dynamically generated, when the code is needed, such as when a remote method is invoked on a resource. However, the dynamic code generation of the present invention may occur at any time depending on the particular application and resource available. [emphasis added]

Stapp fails to teach such recited claim limitation and therefore does not anticipate the embodiments of claim 1. Further Stapp does not suggest or otherwise render obvious the embodiments claimed by claim 1 either alone or in any combination since Stapp's approach teaches receiving rules from a user in order to generate code – there is nothing dynamic about it. Rather, Stapp teaches a manually invocable programmer's tool. Modifications to Stapp to become a dynamic code generator instead of a manual tool would either (1) render Stapp inoperable or (2) require modifications to Stapp's purpose as well as Stapp's principle of operation (see MPEP § 2143.01) because such modifications would NECESSARILY burden Stapp's system contrary to their stated purpose: a user input data driven program generator (Abstract).

#### **Rejections under 35 U.S.C. §103**

In item 10 on page 7, claims 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stapp in view of Goodwin (Pat. No. 6,199,195). Applicant respectfully traverses.

Stapp's failure to teach, suggest or otherwise render obvious the embodiments recited by claim 1 were addressed above. Goodwin's logical model approach fails to remedy these previously discussed shortcomings of Stapp. Further, since claims 10 and 11 recite additional limitations upon the embodiments recited by claim 1, Goodwin and Stapp cannot render these embodiments obvious either.

#### **Conclusion**

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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